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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,597	12/22/1999	JAMES E. ANGELO	S01.12-0543	5141

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SEAGATE TECHNOLOGY LLC C/O WESTMAN
CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER

KAPADIA, VARSHA A

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/469,597

Applicant(s)

ANGELO ET AL.

Examiner

Varsha A. Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/14/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☒ Claim(s) 23-25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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This office action is responsive to the amendment filed on 06/27/07.

Objection – Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The term “an actuator transducer” as now recited in the claim is not found in the specification as originally filed. Therefore the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Objection – Claims

Claim 10 is objected to because of the following informalities: Claim 10 depends on claim 19 which lacks the antecedent basis for “The disk drive of claim 19”. Appropriate correction is required.

Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans et al. (U.S. Patent 5,862,015).

With regards to claim 23, Evans discloses an assembly (see figs 1 and 3 element 8, fig.8 element 12, fig 10 element 312 and disclosure thereof) comprising an actuator transducer (see

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figs. 1 and 3, elements 10 and 21 in fig 3 and elements 338,334, 329a, 329b and 310 in fig. 10 are considered as the actuator transducer) coupled to the movable suspension assembly; and a detector (see figs. 1 and 3 element 30, fig.10 element 330, disclosure thereof and col.5 lines 3-12) coupled to the actuator transducer (see figs. 1, 3 element 10, fig.8 elements 234, 10, fig.10 element 310 and disclosure thereof) and configured to receive a signal proportional to vibration of the movable suspension assembly.

With regards to claim 25 Evans et al further discloses a controller coupled to the actuator transducer and configured to transmit a signal to the actuator transducer to move the suspension assembly (see fig. 10 and col.8 lines 10-46).

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (5,862,015) in view of Novotny (6,362,542).

With regards to claim 24, Evans et al discloses the invention as described above in this office action. Evans et al fails to specify that the actuator is one of a piezoelectric or electrostatic actuator.

Novotny, however discloses that the actuator transducer responsive to the head movement is a piezoelectric or electrostatic (see col.1 lines 35-37).

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It would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Evans et al with the above teachings from Novotny to provide an actuator that is piezoelectric or electrostatic since both are well known as an alternate material and hence to provide user with an alternate since no unexpected results are to occur.

Allowable Subject Matter

Claims 1--22 are allowed.

Applicants' claimed invention differs from the prior art of the record for the same reasons as recited in the office action mailed on 06/04/03.

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' claimed invention differs from the prior art of the record for the same reasons as recited in the office action mailed on 06/04/03.

Response to Remarks

Applicant's arguments filed on 11/14/06 have been fully considered but they are not persuasive. Applicant argue that the strain gauge with other elements in reference to Evans et al is not an actuator transducer, and receiving a signal from a strain gauge is not the same as receiving a signal from the claimed actuator transducer. Examiner disagrees because applicant fails to define the term "actuator transducer", and the elements described in reference to Evans meets the functionality as claimed. Rejection therefore is considered proper.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557.

The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571 272 4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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